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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

FILED

CHERYL MARTIN
Plaintiff(s)

AUG 19 2008 *lee*
AUG 19 2008
MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

Case No. 08C 4098

V.
JOHN E. POTTER
POSTMASTER GENERAL
Defendant(s)

I, CHERYL MARTIN IS HERE TO
AMEND CASE # 08C 4098 WITH
COPIES OF MY ORIGINAL EEOC
COMPLAINT DATED 02/20/01 I AM
INCLUDING COPIES OF LAWYERS
NAMES THAT I HAVE CONTACTED
A RIGHT TO SUE LETTER IS ALSO
INCLUDED

08C4098

Hand claimed 2/23/01
ECA

EEO Complaint of Discrimination in the Postal Service



(See Instructions and Privacy Act Statement on Reverse)

1. Name CHERYL MARTIN		2. SSN 358-32-3452	Case No. 4-J-606-0128-01
3. Mailing Address 9761 S. CHARLES ST		4. Home Phone (773) 233-5243	5. Work Phone (773) 239-8593
6. Position Title (USPS Employees Only) LETTER CARRIER		7. Grade Level (USPS Employees Only) 6	
8. Installation Where You Believe Discrimination Occurred. (Identify Installation, City, State, and Zip +4) AUBURN PK P.O. 8345 S. ASHLAND AVE CHICAGO, IL 60660		9. Name and Title of Person(s) Who Took the Action(s) You Allege Was Discriminatory. PAULA MCHENRY STATION MANAGER	
10. I designate this person to be my representative. a. Name PLEAS HONEYWOOD		Title PRESIDENT NAPFE LOCAL 701	
Mailing Address 1225 E. 79TH ST CHGO, IL 60619		c. Work Phone (773) 374-9300	
11. Type of Discrimination Alleged Race (Specify): BLACK Color (Specify): DARK Religion (Specify): National Origin (Specify):		Sex (Specify): FEMALE Age (Specify): 62 Retaliation (Specify Prior EEO Activity): 4-J-606-0056-2-6-01 Disability (Specify): PHYSICAL (LEFT KNEE INJURY)	
12. Date on which Alleged Act of Discrimination Took Place 2-6-01			
13. Explain the specific actions or situation that resulted in your allegation(s) as to how you believe you were discriminated against (treated differently than other employees or applicants) because of race, color, religion, national origin, sex, age, or disability. I WAS WORKING AT THE BANG OUT TABLE RETURNING LETTERS AND PARCELS, WHEN MRS MCHENRY TOLD ME SHE WAS GOING TO CALL CITY POLICE AND POSTAL POLICE IF I DID NOT LEAVE HER BUILDING. I AM A LIMITED DUTY LETTER CARRIER WITH UP TO DATE MEDICAL DOCUMENTATION. AT AUBURN PK WE HAVE SEVERAL LIMITED DUTY EMPLOYEES ALSO SEVERAL LIGHT DUTY EMPLOYEES			
Note: If your allegation is like or related to a previous complaint, that complaint may be amended. 29 C.F.R. § 1614.106(d)			
14. I have discussed my complaint with an EEO Counselor <input checked="" type="radio"/> Yes (Date of Final Interview) 2-13-01 <input type="radio"/> No		15. Name and Signature of EEO Counselor Ena Aguilon 2-15-01	
16. Corrective Action Sought BACK TO WORK PAY FROM 1/6/01 UNTIL I'M BROUGHT BACK TO WORK			
17. Signature of Complainant Cheryl Martin		18. Date of This Complaint 02/20/01	

RECEIVED
FEB 23 P 3:42
EEO OFFICE
CHICAGO DISTRICT

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08 C 4098

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U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Office of Federal Operations
P. O. Box 19848
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08C4098

Cheryl Martin,
Complainant,

v.

John E. Potter,
Postmaster General,
United States Postal Service,
Agency.

Request No. 0520080403

Appeal No. 0120062069

Agency No. 4J-606-0128-01

DENIAL

Complainant timely requested reconsideration of the decision in *Cheryl Martin v. United States Postal Service*, EEOC Appeal No. 0120062069 (June 16, 2006). EEOC Regulations provide that the Commission may, in its discretion, grant a request to reconsider any previous Commission decision where the requesting party demonstrates that: (1) the appellate decision involved a clearly erroneous interpretation of material fact or law; or (2) the appellate decision will have a substantial impact on the policies, practices, or operations of the agency. See 29 C.F.R. § 1614.405(b).

After reconsidering the previous decision and the entire record, the Commission finds that the request fails to meet the criteria of 29 C.F.R. § 1614.405(b), and it is the decision of the Commission to deny the request. The decision in EEOC Appeal No. 0120062069 remains the Commission's final decision. There is no further right of administrative appeal on the decision of the Commission on this request.

ORDER

08C 4098 0520080403

The agency is ORDERED to take the following action:

Within thirty (30) calendar days from the date this decision becomes final, the agency shall issue a new final decision on the merits of complainant's complaint.

The agency shall send a copy of its new final decision to the Compliance Officer referenced below.

IMPLEMENTATION OF THE COMMISSION'S DECISION (K0501)

Compliance with the Commission's corrective action is mandatory. The agency shall submit its compliance report within thirty (30) calendar days of the completion of all ordered corrective action. The report shall be submitted to the Compliance Officer, Office of Federal Operations, Equal Employment Opportunity Commission, P.O. Box 19848, Washington, D.C. 20036. The agency's report must contain supporting documentation, and the agency must send a copy of all submissions to the complainant. If the agency does not comply with the Commission's order, the complainant may petition the Commission for enforcement of the order. 29 C.F.R. § 1614.503(a). The complainant also has the right to file a civil action to enforce compliance with the Commission's order prior to or following an administrative petition for enforcement. See 29 C.F.R. §§ 1614.407, 1614.408, and 29 C.F.R. § 1614.503(g). Alternatively, the complainant has the right to file a civil action on the underlying complaint in accordance with the paragraph below entitled "Right to File A Civil Action." 29 C.F.R. §§ 1614.407 and 1614.408. A civil action for enforcement or a civil action on the underlying complaint is subject to the deadline stated in 42 U.S.C. 2000e-16(c) (1994 & Supp. IV 1999). If the complainant files a civil action, the administrative processing of the complaint, including any petition for enforcement, will be terminated. See 29 C.F.R. § 1614.409.

COMPLAINANT'S RIGHT TO FILE A CIVIL ACTION (R0900)

This is a decision requiring the agency to continue its administrative processing of your complaint. However, if you wish to file a civil action, you have the right to file such action in an appropriate United States District Court **within ninety (90) calendar days** from the date that you receive this decision. In the alternative, you may file a civil action **after one hundred and eighty (180) calendar days** of the date you filed your complaint with the agency, or filed your appeal with the Commission. If you file a civil action, you must name as the defendant in the complaint the person who is the official agency head or department head, identifying that person by his or her full name and official title. Failure to do so may result in the dismissal of your case in court. "Agency" or "department" means the national organization, and not the local office, facility or department in which you work. **Filing a civil action will terminate the administrative processing of your complaint.**

RIGHT TO REQUEST COUNSEL (Z1199)

0520080403

08C 4098

If you decide to file a civil action, and if you do not have or cannot afford the services of an attorney, you may request that the Court appoint an attorney to represent you and that the Court permit you to file the action without payment of fees, costs, or other security. See Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e *et seq.*; the Rehabilitation Act of 1973, as amended, 29 U.S.C. §§ 791, 794(c). **The grant or denial of the request is within the sole discretion of the Court.** Filing a request for an attorney does not extend your time in which to file a civil action. Both the request and the civil action must be filed within the time limits as stated in the paragraph above ("Right to File a Civil Action").

FOR THE COMMISSION:



Carlton M. Hadden, Director
Office of Federal Operations

APR 22 2008

Date

08 C 4098 0520080403

CERTIFICATE OF MAILING


For timeliness purposes, the Commission will presume that this decision was received within five (5) calendar days after it was mailed. I certify that this decision was mailed to the following recipients on the date below:

Cheryl Martin
9761 S Charles St
Chicago, IL 60643-1217

U.S. Postal Service (Great Lakes)
NEEOISO - Appeals
U.S. Postal Service
PO Box 21979
Tampa, FL 33622-1979

APR 22 2008

Date



Equal Opportunity Assistant